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12

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 AUBURN CARPENTER,
17 individually and on behalf of all
others similarly situated,

18 Plaintiff,

19 v.

20 FCA US LLC, a Delaware
21 Limited Liability Company;
ROBERT BOSCH GMBH, a
22 corporation organized under the
laws of Germany; and ROBERT
23 BOSCH LLC, a Delaware
Limited Liability Company,

24 Defendants.
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Case No. 5:17-cv-00288-EMC

**STIPULATION AND [PROPOSED]
ORDER TO STAY ACTION
PENDING DECISION BY THE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

Judge: Honorable Edward M. Chen

1 WHEREAS, on January 20, 2017, plaintiff Auburn Carpenter
2 (“Plaintiff”) filed a complaint (the “Complaint”) against FCA US LLC (“FCA”),
3 Robert Bosch LLC, and Robert Bosch GmbH (together, “Defendants”);¹

4 WHEREAS, Plaintiff alleges in the Complaint that Defendants made
5 false representations concerning vehicle emissions and fuel efficiency concerning
6 model year 2014-2016 Dodge Ram 1500 and model year 2014-2016 Jeep Grand
7 Cherokee vehicles equipped with “EcoDiesel” engines (*see* Dkt. 1 at 4);

8 WHEREAS, Plaintiff alleges that the vehicles were equipped with a
9 so-called “defeat device” designed to limit emissions and increase fuel efficiency
10 in testing conditions (*see id.* at 31);

11 WHEREAS, Plaintiff purports to bring suit on behalf of a national,
12 putative class of purchasers and lessees of the Dodge Ram 1500 and the Jeep
13 Grand Cherokee vehicles with EcoDiesel engines (*see id.* at 56-57);

14 WHEREAS, at least eight other putative class action lawsuits (with
15 the instant action, the “Actions”) have been filed against FCA and/or Defendants
16 making similar allegations concerning false representations of fuel efficiency and
17 vehicle emissions in FCA vehicles with diesel engines that were allegedly
18 equipped with “defeat devices,”² and additional such suits may be filed in the
19 future;

20 WHEREAS, plaintiffs in one of the Actions, *Warren v. FCA US LLC*,
21 No. 17-cv-00059, have filed a motion with the Judicial Panel on Multidistrict
22 Litigation (“JPML”) requesting Transfer and Centralization of all Related Cases

23
24 ¹ By entering into this stipulation, Defendants do not waive, and expressly
25 preserve, all defenses, including all defenses concerning jurisdiction, service or
otherwise.

26 ² *Stephens v. FCA US LLC et al.*, No. 17-cv-00040 (M.D. Ala.); *Warren v.*
27 *FCA US LLC et al.*, No. 17-cv-00059 (N.D. Ala.); *Chavez v. FCA US LLC et al.*,
28 *No. 16-cv-06909* (N.D. Cal.); *Fasching v. FCA US LLC et al.*, No. 17-cv-00231
(N.D. Cal.); *Walker v. FCA US LLC et al.*, No. 17-cv-00405 (N.D. Cal.); *Kitchel v.*
FCA US LLC et al., No. 17-cv-00538 (N.D. Cal.); *Sebastian v. FCA US LLC et al.*,
No. 17-cv-00085 (S.D. Cal.); *Marlatt v. FCA US LLC et al.*, No. 17-cv-00096
(S.D. Ohio).
-1-

1 (and any future-filed “tag-along” actions), including the instant action, for
2 coordinated or consolidated pretrial proceedings in a multidistrict litigation
3 (“MDL”; the “MDL Motion”), *see In re Chrysler-Dodge-Jeep EcoDiesel Mktg.*,
4 Sales Practices, and Prods. Liab. Litig., MDL No. 2777 (J.P.M.L. filed February 9,
5 2017) (Dkt. No. 1);

6 WHEREAS, FCA intends to file a brief with the JPML supporting
7 centralization of the Actions, including the instant action, and any “tag-along”
8 cases in one district for consolidated pre-trial proceedings;

9 WHEREAS, the MDL Motion has been set for the next JPML
10 Hearing Session on March 30, 2017;

11 WHEREAS, the parties have met and conferred and agree that the
12 requested stay during the pendency of the MDL Motion would save judicial and
13 party resources;

14 WHEREAS, if the MDL Motion is withdrawn and no Defendant
15 thereafter (within two weeks of withdrawal) files its own motion with the JPML
16 requesting transfer and centralization of all Actions (and any future-filed “tag-
17 along” actions), including the instant action, for coordinated or consolidated
18 pretrial proceedings in an MDL, the parties agree that the stay of this action should
19 be immediately lifted; and

20 WHEREAS, should a stay order not be entered in any other related
21 case, either party may move to lift the stay of this action.

22 NOW, THEREFORE, the parties, by and through their undersigned
23 attorneys, hereby stipulate and request that the Court enter an Order staying all
24 proceedings and cancelling any deadlines in this action until further order of the
25 Court after the JPML has decided whether to centralize the Actions, including the
26 instant action, in an MDL proceeding.

1 Dated: February 14, 2017

Respectfully and jointly submitted,

2
3 /s/ Robert J. Giuffra, Jr.

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16 Dated: February 14, 2017

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1 Dated: February 14, 2017

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Counsel for Plaintiffs

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that
concurrence in the filing of this document has been obtained from the signatories.

Dated: February 14, 2017

SULLIVAN & CROMWELL LLP

/s/ William B. Monahan

William B. Monahan

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/15/17

Honorable Edward M. Chen

UNITED STATES DISTRICT JUDGE